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ON 2-17-00 cm

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CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

HELENA DEVARIS, D.D.S.

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) Administrative Action
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CONSENT ORDER

This matter was opened to the New Jersey Board of Dentistry ("the Board") upon information received that Helena Devaris, D.D.S. ("respondent") was advertising her practice under the name "A.F. Morgulis, D.D.S." in the Bell Atlantic Yellow Pages despite the fact that A.F. Morgulis, respondent's husband, was deceased.

Respondent was issued a Uniform Penalty Letter ("UPL") on April 30, 1998 advising her that the Board preliminarily found the advertisement false and misleading pursuant to N.J.A.C. 13:30-8.6(c)1. She was offered the opportunity to settle the matter and

avoid the initiation of formal disciplinary action by acknowledging the violation and paying a \$500.00 civil penalty. Pursuant to the terms of the UPL, respondent was also offered the opportunity to have a hearing before the Board or submit a response to the Board for its use as a mitigating factor in determining a final civil penalty.

Respondent submitted a response on May 7, 1998 indicating that the corporation was and would remain Allen F. Morgulis, D.D.S. and that her married name was Morgulis. She offered to have any advertisement read Allen F. Morgulis, D.D.S., PA and further advised the Board that she did not place the advertisement with the intent of misleading anyone.

On or about June 9, 1998, information was received by the Board reporting that respondent's dental practice sign on the lamp post in front of her home office read Dr. Allen F. Morgulis and that she continued to advertise under his name as well.

By letter dated August 14, 1998, respondent was advised that she had two weeks to change the practice name. Respondent advised the Board on September 10, 1998 that she would resolve this matter but would not be able to do so until the middle of October, 1998. Respondent subsequently advised the Board by note dated October 16, 1998 that she had retained an attorney and was changing the corporate name and replacing the sign outside her home office.

Having not heard anything from respondent for several months, the Board corresponded by letter dated February 18, 1999 to determine the status of respondent's efforts in this matter. By letter dated March 23, 1999, respondent advised the Board that she had taken down the sign bearing Allen F. Morgulis' name, but that the corporate name change issue was not yet resolved. By letter dated May 14, 1999 the Board asked respondent to appear for an investigative inquiry on July 21, 1999 to discuss the delay in resolving this practice name issue. Respondent advised the Board that she was unable to attend the inquiry because she would be out of town. Ultimately, respondent was subpoenaed to appear before the Board for an investigative inquiry on October 20, 1999. She was asked to bring with her proof of her continuing education credits for the 1995-1997 and the 1997-1999 licensure renewal period and proof of her July, 1999 travel plans.

Respondent appeared for the inquiry on that date with counsel, Christos J. Diktas. Respondent testified that she could not appear on the inquiry previously scheduled for July because she spends time at the shore in New Jersey every summer with her children. Respondent did not supply any documentation supporting her claim that these previously scheduled vacation plans rendered it impossible for her to attend the inquiry in July. She also testified that the sign bearing her husband's name was still hanging in front of her home because the bolts had rusted and it could not be removed. She had, however, covered the sign with a

towel. Finally, respondent testified that the corporate name change was complete. The Board had previously been supplied with a copy of the Certificate of Amendment filed with the New Jersey Department of State on July 23, 1999 changing the corporate name of respondent's practice to D.M.D. Associates, P.A.

A review of the information presented as proof of the requisite continuing education credits revealed that respondent did not supply proof for any courses for the 1995-1997 renewal period and had only submitted proof for 15 of the required 40 hours of continuing education for the 1997-1999 renewal period.

It now appears that respondent wishes to resolve this matter without recourse to formal proceedings.

The Board, after review and consideration of the entire record in this matter, and for good cause shown, has determined that the entry of this Order adequately protects the interests of the public. Therefore,

IT IS ON THIS 16th DAY OF ^{February} ~~JANUARY~~, 2000,

AGREED AND ORDERED THAT:

1. Respondents shall pay a civil penalty in the amount of \$500.00 for the violation of N.J.A.C. 13:30-8.6(c)1.
2. Respondent shall pay a civil penalty in the amount of \$1,000.00, representing \$500.00 for each renewal period for which she did not submit adequate proofs of her continuing education credits.

3. Respondent is hereby admonished for failure to cooperate with the Board. Specifically, respondent did not address the Board's concerns regarding her practice name and advertisements in a timely or responsive fashion.

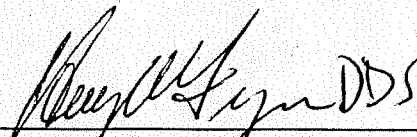
4. Respondent shall submit proofs for the remaining 25 continuing education credits she was required to have completed for the 1997-1999 renewal period. In the event that respondent did not take the remaining 25 credits of continuing education courses, she must make-up those 25 credits in approved courses and submit proof of completion of those 25 hours to the Board by March 31, 2000.

5. Respondent must remove the sign outside her office bearing the name of Allen F. Morgulis within thirty days from the date of entry of this Order.

6. Payment of the civil penalties shall be made by certified check or money order, made payable to the State of New Jersey and sent to Agnes M. Clarke, Executive Director, P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark, New Jersey 07101, contemporaneously with respondent's signing of this Consent Order.

7. Respondent shall pay costs associated with the investigation of this matter. Investigative costs incurred by the Enforcement Bureau total \$203.26 as reported in the attached certification of Jean E. Murphy. Costs incurred at the investigative inquiry will be provided by certification of the Executive Director of the Board upon receipt from the reporting agency. All costs shall be paid within ten (10) days of

respondent's receipt of the Executive Director's certification in the manner outlined in paragraph 6 above.


Henry Finger, D.D.S.
Board President

I have read and understand the terms of this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.


Helena Devaris

2/7/2005